

### **REMARKS/ARGUMENTS**

Claims 1-49, 57, and 62-63 have been canceled without prejudice. Claims 50-56, 58-61 and 64-80 are now pending. New Claims 70-80 have been added.

Claims 52-56 and 58 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Applicant has addressed these rejections by amending Claim 58. It is submitted that the amendments overcome the rejections.

Claims 50 and 51 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,051,987 to **Mercer**. Claims 52-56 and 58-69 were rejected as being unpatentable over U.S. Patent No. 3,510,382 to **Wideman et al.** in view of U.S. Patent No. 3,013,921 to **Jacobson**.

#### **Rejections Based on Mercer**

Claim 50 recites:

50. A net or mesh material formed as a tube with a longitudinal axis, said tube being formed from a plurality of flexible plastic film webs including a plurality of laterally spaced *longitudinal webs disposed generally parallel to the longitudinal axis* and interconnected by at least one spirally wound web formed into longitudinally spaced windings transversely disposed to said longitudinal webs.

Applicant respectfully submits that **Mercer** does not suggest the invention as claimed in Claim 50. **Mercer** describes a mesh material produced by an extrusion process, in which a semi-molten plastic material is extruded through two relatively rotatable die members 6 and 7. When the die orifices 2 of the die members 6 and 7 are in registration with each other they form a composite orifice that produces an integral net intersection 26 between net strands 22 (Fig. 2),

and when they are out of registration they produce the net strands 22. The extruded net passes into a settling bath 16 to harden it (see col. 3, lines 37-72).

With the apparatus and process as described by **Mercer**, the net strands 22 always extend at an oblique angle relative to the longitudinal direction in which the net proceeds as it is extruded. The integral net intersections 26 are produced by relatively rotating the dies, which results in the net strands being oblique rather than longitudinal. There is not the slightest suggestion in **Mercer** to produce a longitudinally extending strand. Thus, **Mercer** does not teach or remotely suggest a net or mesh having one or more *longitudinal webs* that extend parallel to the longitudinal axis.

Thus, **Mercer** wholly fails to teach or suggest a net or mesh tube having all of the features of Claim 50. Claims 50 and 51 thus are patentable over **Mercer**.

#### Rejections Based on **Wideman** and **Jacobson**

**Wideman** describes a multi-ply composite web product in which all of the plies extend diagonally with respect to the longitudinal direction of the product (col. 1, lines 21-25). The product is made by cross-laying spiral windings of two webs A and B about a flat mandrel 10. The webs are described as “creped paper tissue having filaments or fibers within it extending longitudinally of the web” (col. 2, lines 45-48). The filaments or fibers are thermoplastic, and when the spirally wound material is drawn off the mandrel it is immediately flattened through calender rolls 34, 35. At least one of the rolls is heated in order to heat the thermoplastic filaments such that the webs A and B are adhered to each other to produce a flat multi-ply composite web (col. 3, lines 43-57).

Thus, with respect to Claim 52, **Wideman** fails to disclose or suggest a dam, pond or canal liner formed *as a tube* by a liner material being spirally wound in overlapping layers of at least one *plastic film web* with said layers being adhered to one another.

**Jacobson** describes a method for the continuous formation of a flat plastic film web of indefinite length, having reinforcing filaments that extend in the width direction of the web. As depicted in Figure 6, this is accomplished by beginning with a continuous flat film web 10 having reinforcing filaments extending in the longitudinal direction of the film, and wrapping the web at a 45° angle about a mandrel 14 and sealing adjacent edges of the consecutive helical windings together using a heated roller 17, thus forming a continuous single-ply tube. The tube is flattened and wound up into a roll 18. Then, as shown in Figure 1, the roll of tubular film is unwound and opened up into a tubular shape again, and is slit at a 45° angle along a direction perpendicular to the direction of the reinforcing filaments, thereby forming a continuous flat film web having reinforcing filaments extending perpendicular to the longitudinal direction of the web.

Thus, **Jacobson** fails to disclose or suggest a dam, pond or canal liner formed *as a tube* by a liner material being spirally wound in *overlapping layers* of at least one plastic film web with said layers being adhered to one another. As noted, **Jacobson's** objective is the formation of a flat web, not a tube. Additionally, **Jacobson** fails to disclose overlapping layers of a plastic film web (see col. 3, lines 67-71: "A heated roller 17 is positioned to contact the *juxtaposed edges* of the web 10 so as to heat seal or bond the successive convolutions of the web and to form the tubular material T shown in Figure 7").

It is thus apparent that neither **Wideman** nor **Jacobson**, nor any combination thereof, would have suggested the dam, pond or canal liner as recited in Claim 52, since the references fail to disclose several limitations of these claims.

Claim 53 depends from Claim 52 and thus is patentable for at least the same reasons applicable to Claim 52. Additionally, Claim 53 recites that the tube of Claim 52 is cut longitudinally to form at least one flat sheet. **Wideman** fails to teach any *tube* as claimed, and thus also fails to disclose cutting (longitudinally or otherwise) a tube to form at least one flat sheet. **Jacobson** describes cutting a single-ply tube along a 45° angle to form a flat web, but clearly *teaches away* from cutting the tube longitudinally, since that would not accomplish

**Jacobson's** objective of making a flat web with reinforcing threads extending perpendicular to the longitudinal direction. Accordingly, **Wideman** and **Jacobson** would not have suggested the liner of Claim 53 for these additional reasons.

Claim 54 depends from claim 52 and further recites one or more webs extending in a longitudinal direction transverse to said spirally wound overlapping layers. **Wideman** and **Jacobson** both fail to disclose any such longitudinal webs. For this further reason, Claim 54 is patentable over the references.

The references also fail to suggest a tube as claimed in Claim 56, having a plurality of said webs extending in the longitudinal direction such that they overlap one another.

Therefore, Claims 52-56 and 58 are patentable over the cited references.

Independent Claim 59 is likewise not suggested by the references. Claim 59 recites:

59. A flexible laminated material formed *as a tube* having a longitudinal axis and having *at least one first flexible plastic material film web extending in a first direction generally parallel to the longitudinal axis*, and at least one second flexible plastic material film web spirally wound in a plurality of windings transversely crossing said at least one first flexible plastic material film web with each of said first and second film webs being at least partially adhered to one another to form said flexible laminated material.

As previously noted, both **Wideman** and **Jacobson** fail to teach or suggest a laminated material formed as a tube. Additionally, the references do not teach or suggest a tube having at least one flexible plastic material film web extending generally parallel to the longitudinal axis of the tube. For at least these reasons, the material of Claim 59, as well as dependent Claims 60, 61, 64, and 68-73, is patentable over the references.

Additionally, Claim 64 recites that the tube is cut longitudinally to form at least one flat sheet. As previously noted, the references do not suggest this feature.

Thus, Claims 59-61, 64, and 68-73 are patentable over the references.

Independent Claim 65 is directed to a laminated film material being formed from at least one plastic material film web wound in overlapping spiral layers with said layers being adhered to one another to form a tubular structure, the thus formed tubular structure being cut longitudinally to form at least one flat sheet. Again, the references fails to suggest such a material formed by cutting a tubular structure longitudinally to form a flat sheet. As noted, **Wideman** teaches a flat multi-ply sheet formed by immediately flattening and sealing the tubular structure; **Jacobson** teaches away from longitudinally cutting a tubular structure. For at least these reasons, Claim 65 is patentable.

Claim 66 depends from Claim 65, and hence is patentable to at least the same extent as Claim 65. Additionally, Claim 66 recites that the laminated material includes at least one internal pocket adapted to receive a flowable substance to act as a weight. **Wideman** and **Jacobson** are completely silent as to any such internal pocket. For this additional reason, Claim 66 is patentable.

For similar reasons, independent Claim 67 is patentable, since it also includes the internal pocket.

Finally, new Claims 74-80 have been added. Independent Claim 74 recites:

74. A flexible laminated material formed as a tube by at least one first flexible plastic material film web extending in a first direction, and at least one second plastic material film web having some *self-adherent characteristics* and being *stretched in a lengthwise direction of the or each said second flexible plastic material film web beyond its yield point to increase its length and decrease its*

*thickness*, the or each said second plastic material film web being spirally wound in a plurality of windings transversely crossing said at least one first flexible plastic material film web, wherein the windings of said second flexible plastic material film web(s) are at least partially adhered to one another, and immediately adjacent said first and said second flexible plastic material film webs are at least partially adhered to one another, via the self-adherent characteristics of said second flexible plastic material film web(s).

Support for the *self-adherent* and *stretched* limitations of Claim 74 can be found in the specification at page 6, lines 15-24.

None of the cited references disclose or suggest a material as recited in Claim 74, and in particular they do not remotely suggest such a material in which one or more flexible plastic material film webs have the recited *self-adherent* and *stretched* limitations. Accordingly, Claim 74 and its dependent claims are patentable over the references. Furthermore, dependent Claims 75-80 include additional features that have already been discussed and that are not suggested by the references.

#### Conclusion

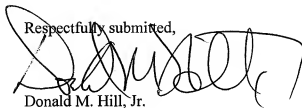
In light of the foregoing amendments and remarks, Applicant respectfully submits that the objections and rejections are erroneous and should be withdrawn, and that the application is in condition for allowance.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required

Appl. No.: 10/510,924  
Amdt. dated December 8, 2006  
Reply to Office Action of September 11, 2006

therefor (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Donald M. Hill, Jr.", written over the typed name.

Donald M. Hill, Jr.  
Registration No. 40,646

**Customer No. 00826**  
**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Charlotte Office (704) 444-1000  
Fax Charlotte Office (704) 444-1111

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON DECEMBER 8, 2006.